

PLACER COUNTY SUPERIOR COURT
THURSDAY, CIVIL LAW AND MOTION
DEPARTMENT 42
THE HONORABLE CHARLES D. WACHOB
TENTATIVE RULINGS FOR DECEMBER 12, 2019 AT 8:30 A.M.

These are the tentative rulings for the **THURSDAY, DECEMBER 12, 2019 at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., WEDNESDAY, DECEMBER 11, 2019**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

NOTE: Effective July 1, 2014, all telephonic appearances will be governed by Placer Court Local Rule 20.8. More information is available at the court's website: www.placer.courts.ca.gov.

Except as otherwise noted, these tentative rulings are issued by the **HONORABLE CHARLES D. WACHOB** and if oral argument is requested, oral argument will be heard at **8:30 a.m.** in **DEPARTMENT 42**, located at 10820 Justice Center Drive, Roseville, California.

1. S-CV-0037566 STEUBER, VIRGIL v. JOHN MOURIER CONST.

Plaintiffs' Motion to Appoint Special Master

Preliminary Matters

As an initial matter, the court acknowledges defendant John Mourier Construction's joinder to the current motion.

Ruling on Motion

The motion is granted under Code of Civil Procedure section 639. The court appoints John Riddle, Esq. as the special master and incorporates by reference the language of the proposed order submitted by plaintiffs. The court clarifies the appointment does not compel the parties to participate in or pay for private mediation.

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2. S-CV-0040090 MARTIN, JOHN v. AUBURN OAKS CARE CENTER

Defendants' four discovery motions are continued to Thursday, January 9, 2020 at 8:30 a.m. in Department 42. The court requests supplemental briefing from the parties on the following issues:

(1) The court file reflects the parties are participating in arbitration according to the Notice of Hearing on Arbitration Hearing filed by plaintiff on May 14, 2019. There is no stipulation in the file executed by the parties regarding arbitration nor did any party file a motion to compel arbitration. The court requests further clarification regarding the scope of the arbitration and its impact on discovery requests brought in the underlying action.

(2) The current motions are voluminous, spanning 6 court volumes. The court is inclined to appoint a discovery referee to handle discovery disputes in this matter. The parties are given notice of the court's intention and allowed to file supplemental briefing on such an appointment.

The parties may file their supplemental responses addressing these issues by December 31, 2019.

3. S-CV-0040292 BRIER, HANK v. TRIMONT LAND COMPANY

The motion to strike punitive damages is dropped from the calendar. A notice of settlement of entire case was filed on November 27, 2019.

An OSC re settlement is set for Tuesday, February 25, 2020 at 11:30 a.m. in Department 40.

4. S-CV-0040822 SACO, PETE v. AMER. MED. RESP. WEST

Defendants' motion for summary judgment or, alternatively, summary adjudication is continued to Thursday, December 19, 2019 at 8:30 a.m. in Department 42. The court apologizes to the parties for any inconvenience.

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5. S-CV-0041554 McKINNEY, JEFFREY v. SOLOMON, LYLE

The motion for summary judgment is dropped from the calendar. A notice of settlement of entire case was filed on November 18, 2019.

An OSC re settlement is set for Tuesday, February 25, 2020 at 11:30 a.m. in Department 40.

6. S-CV-0041771 PETERSEN, HEATHER v. REY, DAVID

This tentative ruling is issued by the **Honorable Michael W. Jones**. Oral argument shall be heard on **Thursday, December 12, 2019 at 8:30 a.m.** in **Department 3**, located at the **Historic Auburn Courthouse**:

The appearances of the parties are required for the OSC re status of arbitration. Each party should be prepared to submit the names of three neutral arbitrators at the time of the OSC. If either party fails to appear at the hearing, the court will proceed to choose a neutral arbitrator from the list submitted by the appearing party.

7. S-CV-0041958 AUGER, ROBERT v. CAYMUS BUILDERS LLC

The motion for protective order and sanctions is continued to Thursday, December 19, 2019 at 8:30 a.m. in Department 42. The court apologizes to the parties for any inconvenience.

8. S-CV-0042228 SPINE & NEUROSURGERY v. BLUE SHIELD OF CA

Defendants' motion to compel further responses to request for production of documents (RPDs) is granted in part. Plaintiff shall provide further verified responses and responsive documents, without asserting further objections, to RPDs nos. 13-15, 17-27, 30, and 31. The remainder of the request is denied. The request for sanctions is also denied.

9. SCV-0042490 ESPENSHADE, JENNIFER v. BILL EADS RV'S

Defendants' motion for leave to file a cross-complaint is granted. (Code of Civil Procedure section 428.10.)

Defendants shall file and serve their cross-complaint by December 31, 2019.

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10. S-CV-0042316 McCOY, CHAD v. HERRADA, ADRIAN

Plaintiff's motion to postpone or continue all proceedings is denied. Plaintiff's request for a blanket continuance is not sufficiently supported nor is there a legal basis for such a request.

11. S-CV-0042732 VROEGE, ROBERT v. JONES, CHARLES

The demurrer to the first amended complaint is continued to Thursday, January 2, 2020 at 8:30 a.m. in Department 42 to be heard in conjunction with the motion for service on the California Secretary of State.

12. S-CV-0043468 SIMPSON, MELODY v. BANK OF NY MELLON

Defendants' Motion to Compel Responses to Form Interrogatories and Sanctions

The motion and request for sanctions are denied. Plaintiff has shown substantial compliance with the request. (see Response to Motion to Compel Responses to Interrogatories.)

Defendants' Motion to Deem Request for Admissions Admitted and Sanctions

The motion is denied. Plaintiff has shown substantial compliance with the request. (see Response to Motion to Deem Request for Admissions Admitted.)

Under Code of Civil Procedure section 2033.280(c), sanctions are mandatory even where substantial compliance is shown. For these reasons, sanctions in the amount of \$875.00 are imposed on plaintiff Melody Simpson.